

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE:

NEW ENGLAND COMPOUNDING PHARMACY, INC.) Multi-District Litigation
PRODUCTS LIABILITY LITIGATION,) Case No. 1:13-md-2419-RWZ

ANNUAL AND FINAL REPORT OF TORT TRUSTEE

Lynne F. Riley, Tort Trustee¹ under the Tort Trust dated June 4, 2015 created pursuant to the *Third Amended Joint Chapter 11 Plan of New England Compounding, Inc.* confirmed by the United States Bankruptcy Court for the District of Massachusetts on May 20, 2015, hereby submits certain reports for the period of June 1, 2021 through June 30, 2022, inclusive, required under the Tort Trust, each more fully described below.

1. Expense Funds: Attached as Exhibit A are the Balance Sheet of Expense Funds held by Stephen Darr as the Expense Funds Administrator, the fiduciary responsible for the approval of Expense Fund expenditures. The Expense Funds had been exhausted by May 31, 2021 (prior reporting period).

2. Qualified Settlement Funds: Annexed hereto as Exhibit B are the profit and loss statement and supporting transactional summary of the Qualified Settlement Funds held by the Tort Trustee as its administrator (which are not Tort Trust Assets), showing: (i) interest income of \$0.49, (ii) settlement distributions of \$141,714.70 and (iii) transfer from Tort Trust of \$123.82 for final distributions. As of June 30, 2022, \$0.00 was on deposit with the Tort Trustee as Qualified Settlement Funds.

¹ Capitalized terms used, but not otherwise defined herein shall have the meanings ascribed to those terms in the *Third Amended Joint Chapter 11 Plan of New England Compounding, Inc.*

3. Tort Trust: Annexed hereto as Exhibit C are a profit and loss statement and supporting transactional summary of funds held by the Tort Trustee in the Tort Trust showing: (i) interest income of \$397.68, (ii) bond premium disbursement of \$1,431.00, (iii) accountant's fees and expenses of \$29,257.53, (iv) other professionals' fees and expenses of \$26,105.00, (v) Trustee fees and expenses of \$168,437.90, and (vi) settlement disbursements of \$1,705,599.04. As of June 30, 2022, \$86,665.20 was on deposit with the Tort Trustee as Administrative Reserve. Funds remaining in the Administrative Reserve account at the conclusion of wind down of the Tort Trust will be donated as provided by the terms of the Tort Trust to the National Meningitis Foundation.

4. Status of Claims Processing in the National Settlement: Annexed hereto as Exhibit D is the summary update report concerning the NECC National Settlement.

5. Status of Claims Processing in the Three Provider Settlements: Annexed hereto as Exhibit E is the summary update report concerning the Three Providers Settlements.

6. The Tort Trustee hereby certifies that in her judgment the purposes of the Tort Trust have been fulfilled.

Respectfully Submitted,

LYNNE F. RILEY, TORT TRUSTEE,

By her attorneys,

/s/ Michael J. Fencer
Michael J. Fencer (BBO No. 648288)
Casner & Edwards, LLP
303 Congress Street
Boston, MA 02210
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Dated: July 18, 2022

Email: fencer@casneredwards.com

CERTIFICATE OF SERVICE

I, Michael J. Fencer, hereby certify that on the date set forth above I served a copy of the foregoing and all exhibits thereto, electronically via CM/ECF on all registered users.

/s/ Michael J. Fencer

Michael J. Fencer